

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHEN C. KRAMER et al., : 21cv7121 (DLC)
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Plaintiffs, : MEMORANDUM OPINION
: AND ORDER
-v- :
:
PENSKE TRUCK LEASING CO., et al., :
:
Defendants. :
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DENISE COTE, District Judge:

On August 24, 2021, the plaintiffs filed a complaint in this Court asserting diversity jurisdiction pursuant to 28 U.S.C. § 1332. On April 29, 2022, this case was transferred to this Court's docket. On May 20, 2022, the plaintiffs filed a letter regarding the basis for their belief that diversity of citizenship exists but the letter was insufficient. On June 1, the plaintiffs filed a second letter to supplement the May 20 letter but the letter was again insufficient. On June 8, the plaintiffs filed a third letter to supplement the June 1 letter.

"Federal courts have a duty to inquire into their subject matter jurisdiction." D'Amico Dry Ltd. v. Primera Mar. (Hellas) Ltd., 756 F.3d 151, 161 (2d Cir. 2014). "If subject matter jurisdiction is lacking and no party has called the matter to the court's attention, the court has the duty to dismiss the action sua sponte." Fracasse v. People's United Bank, 747 F.3d 141, 143 (2d Cir. 2014). "[W]hen a

determination is made that no jurisdiction lies, the district court has no power to do anything but to strike the case from the docket." W.G. v. Senatore, 18 F.3d 60, 64 (2d Cir. 1994) (citation omitted).

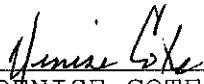
The sole basis for federal jurisdiction asserted in the complaint was diversity of the parties. A limited liability company "takes the citizenship of each of its members" for purposes of diversity jurisdiction. Bayerische Landesbank, New York Branch v. Aladdin Capital Mgmt. LLC, 692 F.3d 42, 49 (2d Cir. 2012). Like limited liability companies, the citizenship of limited partnerships is determined based on the citizenship of all of its partners. Americold Realty Trust v. Conagra Foods, Inc., 577 U.S. 378, 381 (2016).

This Court lacks subject matter jurisdiction over this case. Diversity jurisdiction is unavailable because there is not complete diversity between the parties. Penske Truck Leasing Corporation has its principal place of business in Pennsylvania and is a member of two of the defendants: Penske Truck Leasing Co., L.P. and PTL GP LLC. The plaintiffs are also citizens of Pennsylvania. It is hereby

ORDERED that the case is dismissed for lack of subject matter jurisdiction. The Clerk of Court shall close the case.

SO ORDERED:

Dated: New York, New York
June 9, 2022


DENISE COTE
United States District Judge